

NOT FOR PUBLICATION

SEP 14 2006

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

THOMAS A. HIGHTOWER,

Plaintiff - Appellant,

v.

CAL TERHUNE, Director; et al.,

Defendants - Appellees,

No. 02-16488

D.C. No. CV-99-02152-
EJG (DAD)

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Edward J. Garcia, District Judge, Presiding

Submitted September 11, 2006**

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

California state prisoner Thomas A. Hightower appeals pro se from the district court's summary judgment in favor of prison officials in Hightower's 42 U.S.C. § 1983 action alleging that prison medical staff were deliberately

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

indifferent to his serious medical needs. We have jurisdiction under 28 U.S.C. § 1291. After de novo review, *Lopez v. Smith*, 203 F.3d 1122, 1131 (9th Cir. 2000) (en banc), we affirm.

It is undisputed that Hightower suffered from a variety of serious medical conditions. But the district court properly granted summary judgment on Hightower's claims of deliberate indifference because he failed to raise a genuine issue of material fact as to whether the course of treatment the prison doctors chose was medically unacceptable under the circumstances. *See Jackson v. McIntosh*, 90 F.3d 330, 332 (9th Cir. 1996). The record shows at most a difference of opinion about the proper course of medical treatment. *See Sanchez v. Vild*, 891 F.2d 240, 242 (9th Cir. 1989) (a difference of opinion about a course of medical treatment does not amount to deliberate indifference to serious medical needs).

The district court did not abuse its discretion in denying Hightower's motion for a preliminary injunction because Hightower did not satisfy the criteria for granting a preliminary injunction. *See City of Tenakee Springs v. Block*, 778 F.2d 1402, 1407 (9th Cir. 1985).

Hightower's remaining contentions are unpersuasive.

AFFIRMED.